



16450
October 27, 2003

MSO PITTSBURGH INFORMATION BULLETIN

Decanting In The Three Rivers

It has recently come to my attention that several vessel owners, operators and persons in charge, have routinely engaged in the process of "decanting" water from the oily bilges of their tow vessels. After being pumped into holding tanks and void spaces, these bilge "slops" are allowed to settle, after which the water is then pumped overboard. Please note that this practice is in direct violation of Title 33 United States Code (USC) 1321 (b)(1), which prohibits the discharge of oil or hazardous substances into the navigable waters of the United States.

Title 33 Code of Federal Regulations (CFR) contains specific guidelines regarding the handling of oily mixtures (bilge slops) on board U. S. non-oceangoing ships. Section 155.330 (a-b) states:

- a. No person may operate a U.S. non-oceangoing ship in the navigable waters of the United States, unless it has the capacity to retain on board all oily mixtures and is equipped to discharge these oily mixtures to a reception facility.
- b. A U.S. non-oceangoing ship may retain all oily mixtures on board in the ship's bilges. An oil residue (sludge) tank is not required.

Title 33 CFR 155 also contains additional pumping, piping and discharge requirements for U.S. non-oceangoing ships. Section 155.410 states:

- a. No person may operate a non-oceangoing ship of 100 gross tons and above that is fitted with main or auxiliary machinery spaces in the navigable waters of the United States unless:
 - (1) The ship has at least one pump installed to discharge oily mixtures through a fixed piping system to a reception facility;
 - (2) The piping system required by this section has at least one outlet that is accessible from the weather deck;
 - (3) Each outlet required by this section has a shore connection that is compatible with reception facilities in the ship's area of operation; and
 - (4) The ship has a stop valve for each outlet required by this section.

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- b. Paragraph (a) of this section does not apply to a vessel that has approved oily-water separating equipment for the processing of oily mixtures from bilges or fuel oil tank ballast.

Violation of these laws and regulations is a serious offense, damages the marine environment, and is contrary to the public's interests. All violations of these regulations may subject the owner, operator or person in charge of a vessel, to civil penalties of up to \$27,500 per violation. In addition, owners, operators or persons in charge may be subject to criminal prosecution.

I have enclosed a copy of a press release from the Environmental Protection Agency (EPA) dated November 29, 2001 detailing the results of a joint investigation by the EPA's Criminal Investigation Division, U. S. Coast Guard Investigative Service, Louisiana State Police and local authorities. The investigation resulted in the prosecution and conviction of several Louisiana-based towing companies for violations of the Clean Water Act and the Oil Pollution Act. The conviction resulted in the assessment of numerous monetary fines ranging from \$10,000 to \$400,000, as well as personal confinement.

It is my expectation that all vessels subject to the pollution prevention regulations outlined in 33 CFR 155 shall comply with these regulations at all times. If you have any questions regarding this matter or would like to report violations of these or any other regulations, please contact Lieutenant Ulysses Mullins of my staff at 412-644-5808 x 2107.

W. W. BRIGGS
Commander, U. S. Coast Guard
Captain of the Port

Encl: [U.S. Environmental Protection Agency Press Release dated 11/29/2001](#)



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Nation

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For 11/29/2001
Release

LOUISIANA TOWING COMPANIES AND PRESIDENT SENTENCED

**FOR RELEASE: THURSDAY, NOVEMBER 29,
2001**

LOUISIANA TOWING COMPANIES AND PRESIDENT SENTENCED

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Glenn McKinney, President of McKinney Towing Inc.; McKinney Towing Inc.; McKinney Harbor Towing Inc.; and Slidell Towing Inc.; all of Baton Rouge, La., were sentenced on Nov. 21 for violating the Clean Water Act and the Oil Pollution Act by pumping a mixture of oil and water into the Mississippi River. McKinney Towing has agreed to pay a \$400,000 fine and \$80,000 in restitution to be equally divided by the Louisiana State Police Right to Know Fund and the Southern Environmental Enforcement Network. McKinney Towing will also be placed on probation for

24 months and will publish an apology in the Baton Rouge Advocate. The other two companies will each pay a \$10,000 fine and also serve 24 months probation. Glenn McKinney will serve six months home confinement and pay a fine of \$2,000. The defendants are engaged in the business of providing tugboat services on the Mississippi River. Between 1995 and 2000, the defendants knowingly allowed their tugboats to discharge oily bilge water into the river several times a week. None of the defendants had a permit for the discharges. The case was investigated by EPA's Criminal Investigation Division, the U.S. Coast Guard Investigative Service, the Louisiana State Police and the Baton Rouge Police Department with the assistance of EPA's National Enforcement Investigations Center. It was prosecuted by the U.S. Attorney's Office in Baton Rouge.

R-235 # # #

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